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PART-I

Notifications, Orders and Declarations by Haryana Government

HARYANA GOVERNMENT

INSPECTOR GENERAL OF REGISTRATION

Notification

The 14th October, 2017

No.10675.— In exercise of the powers conferred under clause (j) of Sub-section 1 of Section 69 read with Section 32 A of the Registration Act, 1908 (16 of 1908), the Inspector General of Registration, Haryana with the approval of the Haryana Government as required under Sub-section 2 of Section 69 of the Act, make the following rules, namely:-

1. Short title, extent and commencement

- (1) These rules may be called the Haryana Registration (use of Aadhaar number) Rules, 2017.
- (2) They shall be applicable in all the offices of Sub-Registrar and Joint Sub-Registrar as notified by Inspector General of Registration, Haryana.
- (3) They shall come into force from the date of notification.

2. Definitions

- (i) “Act” means the Registration Act, 1908 (16 of 1908);
- (ii) “Applicant” means executant of the deed.
- (iii) ‘Aadhaar Number’, ‘Aadhaar Number holder’, ‘Authentication’ and other words / terminology relating to Aadhaar number and matter connected therewith, when used in these rules and not defined in the Act, shall have the same meaning as defined in the Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016 and the Information Technology Act, 2000.
- (iv) “UIDAI” means Unique Identification Authority of India as provided in the Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016.

3. Application of Aadhaar Act and its Regulations

- (i) Provisions of the Aadhaar Act and Regulations framed there under Act have come into effect from 14th September, 2016 and notification to this effect have been published in the Official Gazette. Section 57 of the Aadhaar Act, 2016 permits the use of Aadhaar number for establishing the identity of an individual for any purpose pursuant to any law or contract to this effect subject to the procedure and obligations under Section 8 and Chapter VI of Aadhaar Act.
- (ii) Use of consent-based Aadhaar authentication of executants as a valid method of collecting the information mentioned in Section 32 A of the Act for registration of documents is to be enabled in Sub-Registrar offices and Joint Sub-Registrar offices to make the system citizen-friendly and also to substantially contribute towards the objective of preventing / identifying benami / fraudulent transactions.

4. Authentication of Aadhaar

- (i) An Applicant executing the registration of deed is required to provide his/her Aadhaar number, and other details at the time of registration of deed for the purpose of establishing his/her identity and authentication thereof. The Applicant shall be required to undergo Aadhaar authentication at the time of verification of details at the registration office.
- (ii) An Applicant not yet enrolled for Aadhaar is required to apply for Aadhaar enrolment in case he is entitled to obtain an Aadhaar number as per Section 3 of Aadhaar Act. Such an Applicant may visit any Aadhaar enrolment center as available on www.uidai.gov.in, to get enrolled for Aadhaar.
- (iii) For the purpose of Aadhaar enrolment for an Applicant who is entitled to obtain Aadhaar, the Registrar of the District in the State is hereby required to specially set up Aadhaar enrolment facilities at designated registration office and at other offices for the purpose of Aadhaar enrolment. The Applicant can approach such an enrolment facility at the designated office, as available on www.uidai.gov.in, and get himself enrolled for Aadhaar. These centers shall also provide Aadhaar update (biometric and demographic) facilities.
- (iv) An Applicant who has enrolled for Aadhaar and has not received the Aadhaar number should provide the 28 digit Aadhaar Enrolment ID printed on the Aadhaar enrolment slip at the time of registration of deed. The registration of deed, subject to other requirements will be accepted with such Enrolment ID mentioned on the same. Once Aadhaar is assigned to such applicant/s he will be required to provide the Aadhaar number online and also undergo Aadhaar authentication at the registration office / designated offices, as the case may be:
- (v) In case an Aadhaar enrolment facility is not available at a convenient designated registration office/other offices, the applicant should submit a request for Aadhaar enrolment at such designated registration office. The registration office / designated offices will issue a request number to such an Applicant. This request number should be entered by the applicant at the time of registration of the deed. Such an Applicant is required to undergo Aadhaar enrolment once the facility becomes available or at a nearby Aadhaar enrolment centre and thereafter provide the 28 digit Enrolment ID online. Once the Aadhaar number is assigned, the Applicant is required to provide the Aadhaar number online and undergo Aadhaar authentication at the registration office / designated offices either prior or post registration of the deed, as the case may be. The application for Aadhaar enrolment shall be made not later than six months from the date of registration of the deed.
- (vi) An Applicant, who is entitled to registration of deed under the provisions of the Registration Act, 1908 but not for Aadhaar, shall make an application for Aadhaar enrolment as soon as he becomes so eligible. Once an application for enrolment is made, the same process as given in rule 4(iv) and 4(v) above shall be followed.

Provided that in case of non-availability of Aadhaar number the registration of instrument under the provisions of Registration Act, 1908 shall be allowed to such executants and witnesses subject to the production of the following documents, namely:-

If he has enrolled for Aadhaar, his Aadhaar Enrolment ID slip/ or copy of his request made for Aadhaar enrolment; Passport issued by the Government of India/ Electoral photo identity card/PAN Card issued by the Income Tax Department with photograph/Any Photo identity card issued by the Government of India/State Government/ Heads of Government Offices to their serving employees. All the documents should be within the expiry date.

5. Procedure for verification and authentication of parties

The procedure adopted for the verification and authentication of parties shall be:

- (i) The Aadhaar number and the biometrics (fingerprints or iris) of the parties will be captured in view of provision mentioned in Section 32 A of the Registration Act, 1908 with the consent (to be obtained physically or electronically) of the parties for the authentication. The parties must be informed before carrying out authentication, the purpose for which Aadhaar authentication is being performed.
- (ii) The Aadhaar number and the fingerprint of parties captured for e-KYC shall be sent to UIDAI's CIDR for matching, following which the UIDAI verifies and confirms the correctness thereof on the basis of the match with the Aadhaar holder's identity information available with it.
- (iii) Upon successful matching of Aadhaar number and fingerprints using e-KYC service mentioned above in rule 5(ii), the data shall be displayed on the computer screen of the operator which can further be verified with the documents submitted by the parties.
- (iv) Authentication shall be finalized after verification and downloading of full details of the party displayed on the screen. These details are to be printed and attached with the documents which need to be scanned for records.

6. Procedure for Registration of documents of immovable property

The documents related to transfer of immovable properties are presented for registration before the registering authority. The same procedure shall be followed as mentioned in rule 4 & 5 to establish identity of executants of the instrument and witnesses.

7. The use of identity information with a requesting entity as mentioned above in rule 4 & 5

Provided that the identity information available with a requesting entity shall not be used by the requesting entity for any purpose other than that specified to the Aadhaar number holder at the time of submitting identity information for authentication; and

Provided further that the identity information available with a requesting entity shall not be disclosed further without the prior consent of the Aadhaar number holder.

8. Application of rules to others

The provisions of these rules shall also be applicable to the entities such as organizations/institutions/HUF (Karta) Registered Company, Registered and Un- Registered firms etc. wherein the authorized signatory of these entities shall fulfill the aforesaid provisions.

Panchkula:
The 14th October, 2017.

VIJAYENDRA KUMAR,
Inspector General of Registration, Haryana.